

8.100.53 To be eligible to receive medical assistance, an eligible person shall: [Eff. 7/1/2007]

A. Prior to the implementation of SB 03-176, fall into one of the following categories: [Eff. 7/1/2007]

1. Be a citizen or national of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, American Samoa or Swain's Island; or [Eff. 7/1/2007]
2. Be an alien who entered the United States prior to August 22, 1996, who falls into one of the following categories: [Eff. 7/1/2007]
  - a. lawfully admitted for permanent residence under the Immigration and Nationality Act (hereafter referred to as the "INA" ); or [Eff. 7/1/2007]
  - b. paroled into the United States for at least one year under Section 212(d)(5) of the INA; or [Eff. 7/1/2007]
  - c. granted conditional entry under Section 203(a)(7) of the INA, as in effect prior to April 1, 1980; or [Eff. 7/1/2007]
  - d. determined by the county department, in accordance with guidelines issued by the U.S. Attorney General, to be a spouse, child, parent of a child, or child of a parent who, in circumstances specifically described in 8 U.S.C. sec. 1641, has been battered or subjected to extreme cruelty which necessitates the provision of medical assistance (Medicaid); or [Eff. 7/1/2007]
3. Be an alien who arrived in the United States on any date, who falls into one of the following categories: [Eff. 7/1/2007]
  - a. lawfully residing in Colorado and is an honorably discharged military veteran (also includes spouse, unremarried surviving spouse and unmarried, dependent children); or [Eff. 7/1/2007]
  - b. lawfully residing in Colorado and is on active duty (excluding training) in the U.S. Armed Forces (also includes spouse, unremarried surviving spouse and unmarried, dependent children); or [Eff. 7/1/2007]
  - c. granted asylum under Section 208 of the INA; or [Eff. 7/1/2007]
  - d. refugee under Section 207 of the INA; or [Eff. 7/1/2007]
  - e. deportation withheld under Section 243(h) (as in effect prior to September 30, 1996) or Section 241(b)(3) (as amended by P.L. 104-208) of the INA; or [Eff. 7/1/2007]
  - f. Cuban or Haitian entrant, as defined in Section 501(e)(2) of the Refugee Education Assistance Act of 1980; or [Eff. 7/1/2007]
  - g. an individual who (1) was born in Canada and possesses at least 50 percent American Indian blood, or is a member of an Indian tribe as defined in 25 U.S.C. sec. 450b(e); or [Eff. 7/1/2007]
  - h. admitted to the U.S. as an Amerasian immigrant pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs

Appropriations Act of 1988 (as amended by P.L. 100-461); or [Eff. 7/1/2007]

i. lawfully admitted permanent resident who is a Hmong or Highland Lao veteran of the Vietnam conflict. [Eff. 7/1/2007]

4. Be an alien who entered the United States on or after August 22, 1996, who falls into one of the four categories described in paragraphs a-d under Section 8.100.53,A,2, and who is applying for Medicaid benefits to begin no earlier than five years after the alien's date of entry into the U.S; [Eff. 7/1/2007]

A1. Upon implementation of SB 03-176, fall into one of the following categories: [Eff. 7/1/2007]

1. A citizen or national of the United States, the District of Columbia, Puerto Rico Guam, the Virgin Islands, the Northern Mariana Islands, American Samoa or Swain's Island. [Eff. 7/1/2007]
2. An alien who is an honorably discharged military veteran (also includes spouse, unremarried surviving spouse, and unmarried dependent children). [Eff. 7/1/2007]
3. An alien who is on active duty (excluding training) in the U.S. Armed Forces (also includes spouse, unremarried surviving spouse and unmarried dependent children). [Eff. 7/1/2007]
4. An individual who was born in Canada and possesses at least 50 percent American Indian blood or is a member of an Indian tribe as defined in 25 U.S.C. Section 450b(e). [Eff. 7/1/2007]
5. An alien who, after five years from the date of entry into the U.S., is a legal permanent resident and has 40 qualifying quarters as defined in the Social Security Act. [Eff. 7/1/2007]
6. An asylee granted asylum under Section 208 of the INA, for seven years after the granting of asylum status. [Eff. 7/1/2007]
7. A refugee under Section 207 of the INA, for seven years following the date of entry into the United States. [Eff. 7/1/2007]
8. An alien granted withholding of deportation under Section 243(h) or Section 241(b)(3) of the INA for seven years after receiving such status. [Eff. 7/1/2007]
9. A Cuban or Haitian entrant, as defined in Section 501(e)(2) of the Refugee Education Assistance Act of 1980, for seven years after the date of entry into the United States. [Eff. 7/1/2007]
10. An Amerasian admitted to the U.S. pursuant to Section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988(as amended by P.L. 100-461) for five years after date of entry into the United States. [Eff. 7/1/2007]
11. A victim of a severe form of trafficking in persons, as defined in Section 103 of the Trafficking Victims Act of 2000, 22 U.S.C. 7102, for seven years after the date of entry into the United States. [Eff. 7/1/2007]

A2. For determinations of initial eligibility and redeterminations of eligibility for medical assistance made on or after July 1, 2006, provide satisfactory documentary evidence of citizenship

or nationality and identity unless such satisfactory documentary evidence has already been provided, as described in 8.100.53.A2.4.b. This requirement applies to an individual who declares or who has previously declared that he or she is a citizen or national of the United States. [Eff. 7/1/2007]

1. This requirement does not apply to the following groups: [Eff. 7/1/2007]

- a. Individuals who are entitled to or who are enrolled in any part of Medicare. [Eff. 7/1/2007]
- b. Individuals who receive Supplemental Security Income (SSI). [Eff. 7/1/2007]
- c. Individuals who receive child welfare services under Title IV-B of the Social Security Act on the basis of being a child in foster care. [Eff. 7/1/2007]
- d. Individuals who receive adoption or foster care assistance under Title IV-E of the Social Security Act. [Eff. 7/1/2007]
- e. Individuals who receive Social Security Disability Insurance (SSDI). [Eff. 7/1/2007]
- f. Children born to a woman who has applied for, has been determined eligible, and is receiving Medicaid on the date of the child's birth, as described in 8.101.11.E. This includes instances where the labor and delivery services were provided before the date of application and were covered by Medicaid as an emergency service based on retroactive eligibility.
- g. Individuals receiving Medicaid during a period of presumptive eligibility.

2. Satisfactory documentary evidence of citizenship or nationality includes the following: [Eff. 7/1/2007]

- a. Primary Evidence of Citizenship and Identity. The following evidence shall be accepted as satisfactory documentary evidence of both identity and citizenship: [Eff. 7/1/2007]
  - 1) A U.S. passport issued by the U.S. Department of State that: [Eff. 7/1/2007]
    - a) includes the applicant or recipient, and [Eff. 7/1/2007]
    - b) was issued without limitation. A passport issued with a limitation may be used as proof of identity, as outlined in 8.100.53.A2.3. [Eff. 7/1/2007]
  - 2) A Certificate of Naturalization (DHS Forms N-550 or N-570) issued by the Department of Homeland Security (DHS) for naturalized citizens. [Eff. 7/1/2007]
  - 3) A Certificate of U.S. Citizenship (DHS Forms N-560 or N-561) issued by the Department of Homeland Security for individuals who derive citizenship through a parent. [Eff. 7/1/2007]
- b. Secondary Evidence of Citizenship. If primary evidence from the list in 8.100.53.A2.2.a. is unavailable, an applicant or recipient shall provide satisfactory documentary evidence of citizenship from the list specified in this section to establish citizenship AND satisfactory documentary

evidence from 8.100.53.A2.3. to establish identity. Secondary evidence of citizenship includes: [Eff. 7/1/2007]

- 1) A U.S. public birth certificate. [Eff. 7/1/2007]
  - a) The birth certificate shall show birth in any one of the following: [Eff. 7/1/2007]
    - 1) One of the 50 States, [Eff. 7/1/2007]
    - 2) The District of Columbia, [Eff. 7/1/2007]
    - 3) Puerto Rico (if born on or after January 13, 1941), [Eff. 7/1/2007]
    - 4) Guam (if born on or after April 10, 1899), [Eff. 7/1/2007]
    - 5) The Virgin Islands of the U.S. (if born on or after January 17, 1917), [Eff. 7/1/2007]
    - 6) American Samoa, [Eff. 7/1/2007]
    - 7) Swain's Island, or [Eff. 7/1/2007]
    - 8) The Northern Mariana Islands (NMI) (if born after November 4, 1986 (NMI local time)). [Eff. 7/1/2007]
  - b) The birth record document shall have been issued by the State, Commonwealth, Territory or local jurisdiction. [Eff 01/30/2007]
  - c) The birth record document shall have been recorded before the person was 5 years of age. A delayed birth record document that is recorded at or after 5 years of age is considered fourth level evidence of citizenship, as described in 8.100.53.A2.2.d. [Eff 01/30/2007]
- 2) A Certification of Report of Birth (DS-1350) issued by the U.S. Department of State to U.S. citizens who were born outside the U.S. and acquired U.S. citizenship at birth. [Eff 01/30/2007]
- 3) A Report of Birth Abroad of a U.S. Citizen (Form FS-240) issued by the U.S. Department of State consular office overseas for children under age 18 at the time of issuance. Children born outside the U.S. to U.S. military personnel usually have one of these. [Eff 01/30/2007]
- 4) A Certification of birth issued by the U.S. Department of State (Form FS-545 or DS-1350) before November 1, 1990. [Eff 01/30/2007]
- 5) A U.S. Citizen I.D. card issued by the U.S. Immigration and Naturalization Services (INS): [Eff 01/30/2007]
  - a) Form I-179 issued from 1960 until 1973, or [Eff 01/30/2007]
  - b) Form I-197 issued from 1973 until April 7, 1983. [Eff 01/30/2007]

- 6) A Northern Mariana Identification Card (I-873) issued by INS to a collectively naturalized citizen of the U.S. who was born in the NMI before November 4, 1986. *[Eff 01/30/2007]*
- 7) An American Indian Card (I-872) issued by the Department of Homeland Security with the classification code "KIC." *[Eff 01/30/2007]*
- 8) A final adoption decree that: *[Eff 01/30/2007]*
  - a) shows the child's name and U.S. place of birth, or *[Eff 01/30/2007]*
  - b) a statement from a State approved adoption agency that shows the child's name and U.S. place of birth. The adoption agency must state in the certification that the source of the place of birth information is an original birth certificate. *[Eff 01/30/2007]*
- 9) Evidence of U.S. Civil Service employment before June 1, 1976. The document shall show employment by the U.S. government before June 1, 1976. *[Eff 01/30/2007]*
- 10) U.S. Military Record that shows a U.S. place of birth, including a DD-214. *[Eff 01/30/2007]*
- 11) Data verification with the Systematic Alien Verification for Entitlements (SAVE) Program for naturalized citizens.
- 12) Child Citizenship Act. Adopted or biological children born outside the United States may establish citizenship obtained automatically under section 320 of the Immigration and Nationality Act (8 USC § 1431), as amended by the Child Citizenship Act of 2000 (Pub. L. 106-395, enacted on October 30, 2000).

Section 320 of the Immigration and Nationality Act (8 USC § 1431), as amended by the Child Citizenship Act of 2000 (Pub. L. 106-395, enacted on October 30, 2000) is incorporated herein by reference. No amendments or later editions are incorporated. Copies are available for inspections from the following person at the following address: Custodian of Records, Colorado Department of Health Care Policy and Financing, 1570 Grant Street, Denver, CO 80203-1818. Any material that has been incorporated by reference in this rule may be examined at any state publications repository library.

Documentary evidence must be provided that at any time on or after February 27, 2001, the following conditions have been met:

- a) At least one parent of the child is a United States citizen by either birth or naturalization (as verified under the requirements of this part);
- b) The child is under the age of 18;
- c) The child is residing in the United States in the legal and physical custody of the U.S. citizen parent;

- d) The child was admitted to the United States for lawful permanent residence (as verified through the Systematic Alien Verification for Entitlements (SAVE) Program); and
- e) If adopted, the child satisfies the requirements of section 101(b)(1) of the Immigration and Nationality Act (8 USC § 1101(b)(1)) pertaining to international adoptions (admission for lawful permanent residence as IR-3 (child adopted outside the United States)), or as IR-4 (child coming to the United States to be adopted) with final adoption having subsequently occurred.

8 USC § 1101(b)(1) is incorporated herein by reference. No amendments or later editions are incorporated. Copies are available for inspections from the following person at the following address: Custodian of Records, Colorado Department of Health Care Policy and Financing, 1570 Grant Street, Denver, CO 80203-1818. Any material that has been incorporated by reference in this rule may be examined at any state publications repository library.

c. Third Level Evidence of U.S. Citizenship. Third level evidence of U.S. citizenship is documentary evidence of satisfactory reliability that is used when neither primary nor secondary evidence is available. Third level evidence shall be used only when primary evidence cannot be obtained within 10 business days, secondary evidence does not exist or cannot be obtained, and the applicant or recipient alleges being born in the U.S. A second document from 8.100.53.A2.3. to establish identity shall also be presented. *[Eff 01/30/2007]*

1) Extract of a hospital record on hospital letterhead. *[Eff 01/30/2007]*

- a) The record shall have been established at the time of the person's birth; *[Eff 01/30/2007]*
- b) The record shall have been created at least 5 years before the initial application date; and *[Eff 01/30/2007]*
- c) The record shall indicate a U.S. place of birth; *[Eff 01/30/2007]*
- d) For children under 16 the document shall have been created near the time of birth or at least 5 years before the date of application. *[Eff 01/30/2007]*
- e) Souvenir "birth certificates" issued by a hospital are not acceptable. *[Eff 01/30/2007]*

2) Life, health, or other insurance record. *[Eff 01/30/2007]*

- a) The record shall show a U.S. place of birth; and *[Eff 01/30/2007]*
- b) The record shall have been created at least 5 years before the initial application date. *[Eff 01/30/2007]*

- c) For children under 16 the document must have been created near the time of birth or at least 5 years before the date of application.

3) Religious record.

- a) The record shall have been recorded in the U.S. within 3 months of the date of the individual's birth;
- b) The record shall show that the birth occurred in the U.S.;
- c) The record shall show either the date of birth or the individual's age at the time the record was made; and
- d) The record shall be an official record recorded with the religious organization.

4) Early school record that meets the following criteria:

- a) The school record shows the name of the child;
- b) The school record shows the child's date of admission to the school;
- c) The school record shows the child's date of birth;
- d) The school record shows a U.S. place of birth for the child; and
- e) The school record shows the name(s) and place(s) of birth of the applicant's parents.

d. Fourth Level Evidence of Citizenship. Fourth level evidence of citizenship is documentary evidence of the lowest reliability. Fourth level evidence shall only be used in the rarest of circumstances. This level of evidence is used only when primary evidence is unavailable, both secondary and third level evidence do not exist or cannot be obtained within 10 business days, and the applicant alleges U.S. citizenship. The affidavit process described in 8.100.53.A2.2.d.5. may be used by U.S. citizens or nationals born inside or outside the U.S. In addition, a second document establishing identity shall be presented as described in 8.100.53.A2.3. *[Eff 01/30/2007]*

- 1) Federal or State census record showing U.S. citizenship or a U.S. place of birth and the applicant's age. *[Eff 01/30/2007]*

- 2) One of the following documents that shows a U.S. place of birth and was created at least 5 years before the application for Medicaid. For children under 16 the document must have been created near the time of birth or at least 5 years before the date of application. *[Eff 01/30/2007]*

- a) Seneca Indian tribal census record; *[Eff 01/30/2007]*
- b) Bureau of Indian Affairs tribal census records of the Navajo Indians; *[Eff 01/30/2007]*

- c) U.S. State Vital Statistics official notification of birth registration; *[Eff 01/30/2007]*
  - d) A delayed U.S. public birth record that is recorded more than 5 years after the person's birth; *[Eff 01/30/2007]*
  - e) Statement signed by the physician or midwife who was in attendance at the time of birth; or *[Eff 01/30/2007]*
  - f) The Roll of Alaska Natives maintained by the Bureau of Indian Affairs.
- 3) Institutional admission papers from a nursing facility, skilled care facility or other institution created at least 5 years before the initial application date that indicate a U.S. place of birth. *[Eff 01/30/2007]*
- 4) Medical (clinic, doctor, or hospital) record. *[Eff 01/30/2007]*
- a) The record shall have been created at least 5 years before the initial application date; and *[Eff 01/30/2007]*
  - b) The record shall indicate a U.S. place of birth. *[Eff 01/30/2007]*
  - c) An immunization record is not considered a medical record for purposes of establishing U.S. citizenship. *[Eff 01/30/2007]*
  - d) For children under 16 the document shall have been created near the time of birth or at least 5 years before the date of application. *[Eff 01/30/2007]*
- 5) Written affidavit. Affidavits shall only be used in rare circumstances. They may be used by U.S. citizens or nationals born inside or outside the U.S. If the documentation requirement needs to be met through affidavits, the following rules apply: *[Eff 01/30/2007]*
- a) There shall be at least two affidavits by two individuals who have personal knowledge of the event(s) establishing the applicant's or recipient's claim of citizenship (the two affidavits could be combined in a joint affidavit); *[Eff 01/30/2007]*
  - b) At least one of the individuals making the affidavit cannot be related to the applicant or recipient. Neither of the two individuals can be the applicant or recipient; *[Eff 01/30/2007]*
  - c) In order for the affidavit to be acceptable the persons making them shall provide proof of their own U.S. citizenship and identity; *[Eff 01/30/2007]*
  - d) If the individual(s) making the affidavit has (have) information which explains why documentary evidence establishing the applicant's claim of citizenship does not exist or



cannot be readily obtained, the affidavit shall contain this information as well; *[Eff 01/30/2007]*

- e) The applicant/recipient or other knowledgeable individual (guardian or representative) shall provide a separate affidavit explaining why the evidence does not exist or cannot be obtained; and *[Eff 01/30/2007]*
  - f) The affidavits shall be signed under penalty of perjury and need not be notarized. *[Eff 01/30/2007]*
- e. Evidence of Citizenship for Collectively Naturalized Individuals. If a document shows the individual was born in Puerto Rico, the Virgin Islands of the U.S., or the Northern Mariana Islands before these areas became part of the U.S., the individual may be a collectively naturalized citizen. A second document from 8.100.53.A2.3. to establish identity shall also be presented. *[Eff 01/30/2007]*
- 1) Puerto Rico: *[Eff 01/30/2007]*
    - a) Evidence of birth in Puerto Rico on or after April 11, 1899 and the applicant's statement that he or she was residing in the U.S., a U.S. possession or Puerto Rico on January 13, 1941; OR *[Eff 01/30/2007]*
    - b) Evidence that the applicant was a Puerto Rican citizen and the applicant's statement that he or she was residing in Puerto Rico on March 1, 1917 and that he or she did not take an oath of allegiance to Spain. *[Eff 01/30/2007]*
  - 2) U.S. Virgin Islands: *[Eff 01/30/2007]*
    - a) Evidence of birth in the U.S. Virgin Islands, and the applicant's statement of residence in the U.S., a U.S. possession or the U.S. Virgin Islands on February 25, 1927; OR *[Eff 01/30/2007]*
    - b) The applicant's statement indicating residence in the U.S. Virgin Islands as a Danish citizen on January 17, 1917 and residence in the U.S., a U.S. possession or the U.S. Virgin Islands on February 25, 1927, and that he or she did not make a declaration to maintain Danish citizenship; OR *[Eff 01/30/2007]*
    - c) Evidence of birth in the U.S. Virgin Islands and the applicant's statement indicating residence in the U.S., a U.S. possession or Territory or the Canal Zone on June 28, 1932. *[Eff 01/30/2007]*
  - 3) Northern Mariana Islands (NMI) (formerly part of the Trust Territory of the Pacific Islands (TTPI)): *[Eff 01/30/2007]*
    - a) Evidence of birth in the NMI, TTPI citizenship and residence in the NMI, the U.S., or a U.S. Territory or possession on November 3, 1986 (NMI local time) and the applicant's statement that he or she did not owe allegiance to a

foreign state on November 4, 1986 (NMI local time); OR  
[Eff 01/30/2007]

b) Evidence of TTPI citizenship, continuous residence in the NMI since before November 3, 1981 (NMI local time), voter registration prior to January 1, 1975 and the applicant's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time); OR [Eff 01/30/2007]

c) Evidence of continuous domicile in the NMI since before January 1, 1974 and the applicant's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time). [Eff 01/30/2007]

d) If a person entered the NMI as a nonimmigrant and lived in the NMI since January 1, 1974, this does not constitute continuous domicile, and the individual is not a U.S. citizen. [Eff 01/30/2007]

3. Evidence of Identity. The following documents shall be accepted as proof of identity and shall accompany a document establishing citizenship from the groups of documentary evidence outlined in 8.100.53.A2.2.b. through e. [Eff 01/30/2007]

a. A driver's license issued by a State or Territory either with a photograph of the individual or other identifying information such as name, age, sex, race, height, weight, or eye color; [Eff 01/30/2007]

b. School identification card with a photograph of the individual; [Eff 01/30/2007]

c. U.S. military card or draft record; [Eff 01/30/2007]

d. Identification card issued by the Federal, State, or local government with the same information included on driver's licenses; [Eff 01/30/2007]

e. Military dependent's identification card; [Eff 01/30/2007]

f. U.S. Coast Guard Merchant Mariner card; [Eff 01/30/2007]

g. Certificate of Degree of Indian Blood, or other U.S. American Indian/Alaska Native Tribal document with a photograph or other personal identifying information relating to the individual. The document is acceptable if it carries a photograph of the individual or has other personal identifying information relating to the individual such as age, weight, height, race, sex, and eye color; or [Eff 01/30/2007]

h. Three or more documents that together reasonably corroborate the identity of an individual provided such documents have not been used to establish the individual's citizenship and the individual submitted evidence of citizenship listed under 8.100.53.A2.2.b. or 8.100.53.A2.2.c. The following requirements must be met:

1) No other evidence of identity is available to the individual;

- 2) The documents must at a minimum contain the individual's name, plus any additional information establishing the individual's identity; and
  - 3) All documents used must contain consistent identifying information.
  - 4) These documents include, but are not limited to, employer identification cards, high school and college diplomas from accredited institutions (including general education and high school equivalency diplomas), marriage certificates, divorce decrees, and property deeds/titles.
- i. Special identity rules for children. For children under 16, the following records are acceptable: *[Eff 01/30/2007]*
- 1) Clinic, doctor, or hospital records; or
  - 2) School records.
    - a) The school record may include nursery or daycare records and report cards; and
    - b) The school, nursery, or daycare record must be verified with the issuing school, nursery, or daycare.
  - 3) If clinic, doctor, hospital, or school records are not available, an affidavit may be used if it meets the following requirements:
    - a) It shall be signed under penalty of perjury by a parent or guardian; *[Eff 01/30/2007]*
    - b) It shall state the date and place of birth of the child; and *[Eff 01/30/2007]*
    - c) It cannot be used if an affidavit for citizenship was provided. *[Eff 01/30/2007]*
    - d) The affidavit is not required to be notarized.
    - e) An affidavit may be accepted on behalf of a child under the age of 18 in instances when school ID cards and drivers' licenses are not available to the individual until that age.
- j. Special identity rules for disabled individuals in institutional care facilities.
- 1) An affidavit may be used for disabled individuals in institutional care facilities if the following requirements are met:
    - a) It shall be signed under penalty of perjury by a residential care facility director or administrator on behalf of an institutionalized individual in the facility; and
    - b) No other evidence of identity is available to the individual.
    - c) The affidavit is not required to be notarized.
- k. Expired identity documents.

- 1) Identity documents do not need to be current to be acceptable. An expired identity document shall be accepted as long as there is no reason to believe that the document does not match the individual.

#### 4. Documentation Requirements.

- a. Effective January 1, 2008, all citizenship and identity documents must either be originals or copies certified by the issuing agency, except as provided in 8.100.53.A2.4.f. Uncertified copies, including notarized copies, are not acceptable.
- b. Individuals who submitted notarized copies of citizenship and identity documents as part of an application or redetermination before January 1, 2008 shall not be required to submit originals or copies certified by the issuing agency for any application or redetermination processed on or after January 1, 2008.
- c. All citizenship and identity documents shall be presumed to be genuine unless there is a reasonable basis for questioning the authenticity of the document.
- d. Individuals shall not be required to submit citizenship and identity documentation in person. Documents shall be accepted from a Medicaid applicant or client or from his or her guardian or authorized representative in person or by mail.
  - 1) Individuals are strongly encouraged to use alternatives to mailing original documents to counties, such as those described in 8.100.53.A2.4.e.
- e. Individuals may present original citizenship and identity documents or copies certified by the issuing agency to Medical Assistance (MA) sites, School-based Medical Assistance sites, Presumptive Eligibility (PE) sites, Federally Qualified Health Centers (FQHCs), Disproportionate Share Hospitals (DSHs), or any other location designated by the Department by published agency letter.
  - 1) Staff at these locations shall make a copy of the original documents and shall complete a "Citizenship and Identity Documentation Received" form, stamp the copy, or provide other verification that identifies that the documents presented were originals. The verification shall include the name, telephone number, organization name and address, and signature of the individual who reviewed the document(s). This form, stamp, or other verification shall be attached to or directly applied to the copy.
  - 2) Upon request by the client or county, the copy of the original document with the "Citizenship and Identity Documentation Received" form, stamp, or other verification as described in 8.100.53.A2.4.e.1) shall be mailed or delivered directly to the county within five business days.
- f. Counties shall accept photocopies of citizenship and identity documents from any location described in 8.100.53.A2.4.e. provided the photocopies include the form, stamp, or verification described in 8.100.53.A2.4.e.1).

- g. Counties shall develop procedures for handling original citizenship and identity documents to ensure that these documents are not lost, damaged, or destroyed.
  - 1) Upon receiving the original documents, county staff shall make a copy of the original documents and shall complete a "Citizenship and Identity Documentation Received" form, stamp the copy, or provide other verification that identifies that the documents presented were originals, as described in 8.100.53.A2.4.e.1). This form, stamp, or other verification shall be attached to or directly applied to the copy.
  - 2) The original documents shall be sent by mail or returned to the individual in person within five business days of the date on which they were received.
  - 3) To limit the risk of original documents being lost, damaged, or destroyed, counties are strongly encouraged to make copies of documents immediately upon receipt and to return original documents to the individual while he or she is present.
- h. Once an individual has provided the required citizenship and identity documentation, he or she shall not be required to submit the documentation again unless:
  - 1) Later evidence raises a question about the individual's citizenship or identity; or
  - 2) There is a gap of more than five years between the ending date of the individual's last period of eligibility and a subsequent application for Medicaid and the county has not retained the citizenship and identity documentation the individual previously provided.

#### 5. Record Retention Requirements

- a. The county shall retain a paper or electronically scanned copy of an individual's citizenship and identity documentation, including any verification described in 8.100.53.A2.4.e.1), for at least five years from the ending date of the individual's last period of Medicaid eligibility.

#### 6. Name Change Provisions

- a. An individual who has changed his or her last name for reasons including, but not limited to, marriage, divorce, or court order shall not be required to produce any additional documentation concerning the name change unless:
  - 1) With the exception of the last name, the personal information in the citizenship and identity documentation provided by the individual does not match in every way;
  - 2) In addition to changing his or her last name, the individual also changed his or her first name and/or middle name; or
  - 3) There is a reasonable basis for questioning whether the citizenship and identity documents belong to the same individual.

7. Reasonable Level of Assistance

- a. The county shall provide a reasonable level of assistance to applicants and clients in obtaining the required citizenship and identity documentation.
- b. Examples of a reasonable level of assistance include, but are not limited to:
  - 1) Providing contact information for the appropriate agencies that issue the required documents;
  - 2) Explaining the documentation requirements and how the client or applicant may provide the documentation; or
  - 3) Referring the applicant or client to other agencies or organizations which may be able to provide assistance.
- c. The county shall not be required to pay for the cost of obtaining required documentation.

8. Individuals Requiring Additional Assistance

- a. The county shall provide additional assistance beyond the level described in 8.100.53.A2.7. to applicants and clients in obtaining the required citizenship and identity documentation if the client or applicant:
  - 1) Is unable to comply with the requirements due to physical or mental impairments or homelessness; and
  - 2) The individual lacks a guardian or representative who can provide assistance.
- b. Examples of additional assistance include, but are not limited to:
  - 1) Contacting any known family members who may have the required documentation;
  - 2) Contacting any known current or past health care providers who may have the required documentation; or
  - 3) Contacting other social services agencies that are known to have provided assistance to the individual.
- c. The county shall document its efforts at providing additional assistance to the client or applicant. Such documentation shall be subject to the record retention requirements described in 8.100.53.A2.5.a

9. Reasonable Opportunity Period

- a. If a Medicaid applicant or recipient does not have the required documentation, he or she must be given a reasonable opportunity period to provide the required documentation. If the applicant or recipient does not provide the required documentation within the reasonable opportunity period, then:  
*[Eff 01/30/2007]*
  - 1) the applicant's Medicaid application shall be denied, or *[Eff 01/30/2007]*

2) the recipient's Medicaid benefits shall be terminated. *[Eff 01/30/2007]*

- b. The reasonable opportunity period for Family Programs covered under 8.100.53.A2 is 14 calendar days. For the purpose of this section, Family Programs are defined as the following:

<u>Commonly Used Program Name</u>	<u>Rule Citation</u>
1931 Medicaid	8.105.11
Transitional Medicaid	8.106.71-75
Four Month Extended Medicaid	8.106.76
Institutionalized under age 21	8.101.2.A
Parents Plus Program	8.101.11.O
Qualified Child	8.101.11.B
Expanded Child	8.101.11.F
Ribicoff Child	8.101.11.G
Qualified Pregnant	8.101.11.J.a
Expanded Pregnant	8.101.11.J.b

- c. The reasonable opportunity period for Adult Programs covered under 8.100.53.A2 is 70 calendar days. For the purpose of this rule, Adult Programs are defined as the following:

<u>Commonly Used Program Name</u>	<u>Rule Citation</u>
Old Age Pension A (OAP-A)	8.110.61-.613
Old Age Pension B (OAP-B)	8.110.61-613
Qualified Disabled Widow/Widower	8.110.29-.291
Pickle	8.110.21-.27
Long-Term Care	8.110.30
Breast and Cervical Cancer Program (BCCP)	8.715